



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

INADEQUACY OF PRESENT LAWS CONCERNING ACCIDENTS

BY JOHN HAYS HAMMOND, LL.D.,
New York.

This is a large question, and one which at the present time is attracting the attention of every state in the Union. Indeed, eleven state commissions are now inquiring into the subject, and formulating measures for the solution of this transcendently important problem.

The recent decision of the Court of Appeals, declaring the New York law unconstitutional, has added much to the complexity of the situation.

The number of men and women annually killed and maimed in the industrial occupations of America is greater than in the bloodiest battles of history.

The annual fatalities, for example, in the mining industry in this country, are nearly three per thousand employed, and, indeed, in the case of iron mining, much to your surprise, for most of you connect mining fatalities with coal mining, they exceed four per thousand employed. Compared with accidents in similar occupations in Europe, these figures are very much higher, and do not reflect credit on our American laws relating to the supervision of this industry.

By unfortunate circumstance, or coincidence, the terrible loss of life, upwards of 150, which occurred yesterday in the mines of Pennsylvania and Alabama, lends sad emphasis to this stricture. Two of the men who gave their lives in attempting rescue work accompanied me only two weeks ago in an examination of the mines of Scranton, where the disaster yesterday occurred.

It is impossible to ascertain the trade mortality statistics for our country, but the number of fatal accidents, among adult males in all occupations in the United States, is estimated at 35,000 annually, and unquestionably, by far the greater part is to be classified under "Fatalities in Trade."

While there can be no doubt that the enforcement of adequate

preventive measures would greatly reduce the casualties, nevertheless there is in many trades an irreducible minimum, owing to their inherent hazards.

If a manufacturing company be justified, as it undoubtedly is, in charging against the cost of production the breakage and the wear and tear of machinery, does it not seem logical to add to the total cost, that of the wear and tear of human life?

To attain high efficiency and economy in industrial production, it is of vital importance that friendly relations between employer and employee be established and maintained. This, I can say as a man who has had large experience in handling labor. Therefore, even from an economic point of view, every effort should be made to eliminate just causes of grievances, and there can be no question that the present employers' liability laws, from the injustice inflicted upon employees are provocative of serious friction. For this reason, then, and irrespective of many other important considerations, as, for example, the conduct of industrial operations in a humanitarian spirit, and the prevention, in the interests of the community, of labor troubles, this problem deserves the earnest consideration of all citizens in its solution.

The study of the present laws as to employers' liability will convince any fair-minded man that they are—and I do not think I am overstating the case—iniquitous. The present laws not only involve cruel delay in the way of relief to the unfortunate sufferers from industrial accidents, but result in the diversion of the greater part of the relief fund provided by the employers into the pockets of unscrupulous professional claim agents and lawyers of ambulance-chasing proclivities. Our laws on this subject are obsolete and are far behind the European practice. To put it mildly, they are a disgrace to our country.